

**ASSEMBLY BILL**

**No. 1107**

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**Introduced by Assembly Member Garcia**

February 22, 2013

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An act to amend Section 11495.25 of, and to repeal and add Section 11495.15 of, the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1107, as introduced, Garcia. CalWORKs eligibility: domestic violence.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law authorizes each county to waive a program requirement at any time for a recipient who is a past or present victim of abuse, as specified.

This bill would require the State Department of Social Services to establish a standard, statewide notice and process to ensure that applicants for, or recipients of, CalWORKs aid who are past or present victims of domestic violence are not placed at further risk or unfairly penalized by program requirements or procedures. The bill would also require, with specified verification, the county to waive, for applicants or recipients, program requirements that make it more difficult for the victim to escape domestic violence, unfairly penalize the victim or family, or place them at further risk or encourage them to remain with the abuser. The bill would require counties to use the standard, statewide notice and process to inform all CalWORKs applicants and recipients

of their rights and how to secure a waiver. By increasing the duties of county human services agencies, the bill would impose a state-mandated local program.

Existing law makes sworn statements by a victim of past or present abuse sufficient to establish abuse unless the county human services agency finds the person not credible and allows other specified forms of evidence, including official reports or documentation.

This bill would make a sworn statement by the person sufficient to establish abuse unless the county human services agency finds the person not credible and other prescribed forms of evidence are not available.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) In enacting this act, the Legislature recognizes
- 2 that some individuals who are in need of public assistance are, or
- 3 have been, victims of abuse.
- 4 (b) It is the intent of the Legislature to ensure that applicants
- 5 and recipients who are past or present victims of abuse are not
- 6 placed at further risk or unfairly penalized by program requirements
- 7 or procedures.
- 8 (c) The Legislature intends that, in implementing this act, a
- 9 standard, statewide notice to CalWORKs applicants and recipients
- 10 will be established, informing them of rights for domestic violence
- 11 victims and survivors and instructing them how to secure these
- 12 rights, as well as referrals for counseling services.
- 13 (d) It is also the intent of the Legislature that program
- 14 requirements for aid under the CalWORKs program shall not be
- 15 created or applied in such a way as to make it more difficult for a
- 16 victim to escape domestic violence or unfairly penalize the victim.

1 (e) Finally, it is the intent of the Legislature that the county  
2 human services agency refer victims of domestic violence to  
3 support services, including those provided by the victim's health  
4 care provider.

5 SEC. 2. Section 11495.15 of the Welfare and Institutions Code  
6 is repealed.

7 ~~11495.15.—A county may waive a program requirement for a~~  
8 ~~recipient who has been identified as a past or present victim of~~  
9 ~~abuse when it has been determined that good cause exists pursuant~~  
10 ~~to paragraph (2) of subdivision (f) of Section 11320.3. Until~~  
11 ~~implementation of the regulations required pursuant to subdivision~~  
12 ~~(b) of Section 11495.1, a county may utilize standards, procedures,~~  
13 ~~and protocols currently available, and shall identify them in its~~  
14 ~~county plan. Waivers shall be reevaluated in accordance with other~~  
15 ~~routine periodic reevaluations by the county.~~

16 SEC. 3. Section 11495.15 is added to the Welfare and  
17 Institutions Code, to read:

18 11495.15. (a) The State Department of Social Services shall  
19 establish a standard, statewide notice and process to ensure that  
20 applicants for, or recipients of, aid under this chapter who are past  
21 or present victims of domestic violence are not placed at further  
22 risk or unfairly penalized by program requirements or procedures.

23 (b) A county shall, with verification provided pursuant to Section  
24 11495.25, waive a program requirement at any time for an applicant  
25 or recipient who is a past or present victim of abuse when it has  
26 been determined that the requirement makes it more difficult for  
27 the victim to escape domestic violence, would unfairly penalize  
28 the victim or the victim's family, places the victim at further risk  
29 of abuse, or encourages the victim to remain with the abuser.  
30 Waivers shall be reevaluated by the county human services agency  
31 when necessary, but in no case more often than every six months.

32 (c) County human services agencies shall use the standard,  
33 statewide informing notice and process to inform all CalWORKs  
34 applicants and recipients of their rights established in this section.  
35 The informing notice shall be given, orally and in writing, at  
36 application, recertification, during the welfare-to-work planning  
37 process, in each notice of action for sanction resulting from failure  
38 to participate in a program requirement, and whenever an applicant  
39 or recipient discloses that he or she is a victim of abuse. Proof that

1 the applicant or recipient received each notice shall be retained in  
2 his or her case file.

3 (d) The informing notice required by subdivision (c) shall be  
4 developed by the department, in consultation with the county  
5 human services agencies, domestic violence and CalWORKs  
6 advocates, and CalWORKs caseworkers, and it shall include the  
7 rights and responsibilities established in this section,  
8 county-specific instructions for securing a waiver, county domestic  
9 abuse resources, including Medi-Cal mental health services,  
10 confidentiality and the limits thereof, family violence option  
11 waivers available for abuse victims, the good cause exemption to  
12 the child support cooperation requirement, general abuse  
13 information such as safety planning, county assistance in tailoring  
14 welfare-to-work plans to meet the needs of victims, and remedies  
15 available for immigrant domestic violence survivors.

16 (e) Proof that an informing notice was given and received shall  
17 never be a reason to deny a waiver when a waiver is requested at  
18 a later date or as a basis for requesting additional evidence of abuse  
19 under Section 11495.25. Abuse may be disclosed at any time.

20 (f) No applicant or recipient of aid shall be required to disclose  
21 his or her status, or the status of another member of the authorized  
22 unit, as a domestic violence victim.

23 (g) Nothing in this section shall limit the authority of a county  
24 to waive a program rule retroactively.

25 SEC. 4. Section 11495.25 of the Welfare and Institutions Code  
26 is amended to read:

27 ~~11495.25. Sworn statements by~~ *When determining eligibility*  
28 *for program waivers established in Section 11495.15, either of the*  
29 *following shall be accepted:*

30 (a) *A sworn statement by a victim of past or present abuse shall*  
31 *be sufficient to establish abuse unless the county human services*  
32 *agency documents in writing an independent, reasonable basis to*  
33 *find the recipient not credible and none of the corroborating*  
34 *evidence listed in subdivision (b) can be secured by the worker.*  
35 ~~Evidence may also~~

36 (b) *Evidence that abuse occurred at any time in the past shall*  
37 *include, but is not limited to: police, government agency, or court*  
38 *records or files; documentation from a domestic violence program,*  
39 *legal, clerical, medical or other professional from whom the*  
40 *applicant or recipient has sought assistance in dealing with abuse;*

1 or other evidence, such as a statement from any other individual  
2 with knowledge of the circumstances that provide the basis for the  
3 claim, physical evidence of abuse, or any other evidence that  
4 supports the statement *in subdivision (a)*.

5 SEC. 5. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.